

Regarding the efforts of the task force to gather comments regarding commercial leased access, I wish to make the following observations.

After four years of effort, and a petition filing to have my local cable provider conform to the law (CSR 4617-L Roderick C. Harsh vs. TWC Cable Partners, now Cox Communications, adopted May 6, 1997), I was able to successfully cablecast a tourist information program for the past five years. I have noticed several problems that I believe continue to undermine the intent of congress to "allow diverse forms of programming" on cable systems by local programmers.

First, I am presently helping a local businessman in his efforts to lease a channel for providing local community information services in an area where no such programming exists on the local cable system. The local cable provider, Mediacom, has failed to comply with his numerous written requests for carriage by stalling, providing incomplete answers to questions and in general simply flaunting the the provisions of Title 47. Many other "potential" leased-access users have abandoned their efforts to gain access because they do not have the financial ability to fight the cable operator. The cable companies have known for many years the requirements of the law, and only when a petition is filed with the FCC (with a good possibility of success) will they comply just prior to an FCC ruling, thus avoiding any punitive consequences for their flaunting of the law.

In addition, cable operators continue to stipulate unreasonable requirements for liability insurance, technical support fees etc., yet rarely are these fees assessed to other program providers on other channels...a clear form of discriminating against the very citizens the law was meant to assist.

Another problem restricting leased-access use, where such channels have been established, is that national info-mertial producers have discovered the low rates and swoop in to buy-up leased access time thus denying local programmers the opportunity to produce and air programs of local content and interest. I do not think that congress intended leased-access to assist in the proliferation of info-mertials.

It is time for the FCC to make changes to leased-access that will, A. Punish cable operators who "cause" the filing of a petition for relief if said operator failed to comply with the law, regardless of their willingness to settle after the filing, B. Clarify what is reasonable regarding expensive "media perils" insurance and technical support fees, and C. Limit the purchasing of leased-access time by programmers who have no interest in "providing diverse forms of programming" but simply desire to mass-market info-mertials.

As long as cable operators perceive independent producers (using commercial leased-access) as competitors, and are effective in eliminating potential access, the future benefits to the public at large will likewise be eliminated.

Thank-you for your opportunity to allow me voice my comments.